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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 TERRY W. SHEPARD,

9 Petitioner,

v.

10 JEFFREY A UTTECHT,

11 Respondent.

12 CASE NO. C19-5351 BHS

13 ORDER ADOPTING REPORT
14 AND RECOMMENDATION

15 This matter comes before the Court on the Report and Recommendation (“R&R”)
16 of the Honorable J. Richard Creatura, United States Magistrate Judge. Dkt. 14. The Court
17 having considered the R&R and the remaining record, and no objections having been
18 filed, does hereby find and order as follows:

19 (1) The R&R is **ADOPTED**;

20 (2) Petitioner’s petition for habeas corpus, Dkt. 7, is **DISMISSED without**
21 **prejudice**;

22 (3) A certificate of appealability is **DENIED**;

23 (4) Petitioner’s remaining motion, Dkt. 10, is **DENIED without prejudice as**
24 **moot**; and

1 (5) The Clerk shall close this case.

2 Dated this 29th day of August, 2019.

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5 BENJAMIN H. SETTLE
6 United States District Judge